

UNITED STATES DISTRICT COURT
for the

Southern District of Indiana

United States of America

v.

)
Case No: 3:20-cr-00017-008
Maria Castaneda-Villalobos)
USM No: 79726-112
Date of Original Judgment: 12/7/2022)
Date of Previous Amended Judgment: N/A)
(Use Date of Last Amended Judgment if Any))
Pro Se
Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

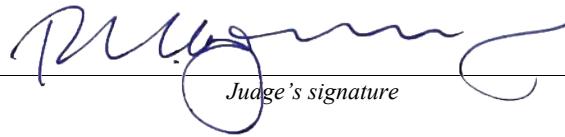
DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 12/7/2022 shall remain in effect.

IT IS SO ORDERED.

Order Date: 05/24/2024



Judge's signature

RICHARD L. YOUNG, Judge

Printed name and title

Effective Date:
(if different from order date)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 3:20-cr-00017-RLY-CSW
)
MARIA CASTANEDA-VILLALOBOS,) -08
)
Defendant.)

ORDER DENYING DEFENDANT'S MOTION FOR SENTENCE REDUCTION

Defendant Maria Castaneda-Villalobos moves to reduce her 48-month sentence under 18 U.S.C. § 3582(c)(2), United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10, and Amendment 821 of the U.S.S.G. (*See* Filing No. 447). For the reasons below, the court **DENIES** that motion.

I. Background

Castaneda-Villalobos pled guilty to conspiring to distribute 500 grams or more of a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 846. (Filing No. 311, Presentence Investigation Report ¶¶ 1, 9). After modifications, Castaneda-Villalobos's overall offense level was 27, and she had zero criminal history points, which resulted in a criminal history category of I. (*Id.* ¶¶ 40, 43). Therefore, her guideline range was 70 to 87 months. (*Id.* ¶ 94). The court sentenced Castaneda-Villalobos to 48 months of imprisonment. (Filing 325, Judgment).

II. Legal Standard

The court may modify an imposed sentence of imprisonment under limited circumstances like those enumerated in 18 U.S.C. § 3582(c)(2). *Dillon v. United States*, 560 U.S. 817, 824 (2010). Under that statute, the court may reduce a sentence to reflect changes in the U.S.S.G. See 18 U.S.C. § 3582(c)(2). A two-step inquiry exists to determine whether a reduction is warranted: first, the court determines whether the reduction "is consistent with [U.S.S.G.] § 1B1.10"; and second, whether the reduction is warranted under the discretionary 18 U.S.C. § 3553(a) factors. *Dillon*, 560 U.S. at 826–28.

III. Discussion

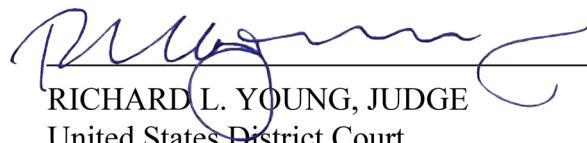
Castaneda-Villalobos argues that Part B of Amendment 821 entitles her to a sentence reduction.

Part B provides a two-level reduction in offense level to certain offenders with zero criminal history points. U.S.S.G. § 4C1.1(a). However, "the court shall not reduce the defendant's term of imprisonment . . . to a term that is less than the minimum of the amended guideline range." U.S.S.G. § 1B1.1(b)(2)(A). Part B to Amendment 821 would reduce Castaneda-Villalobos's guideline range from 70 to 87 months to 57 to 71 months. Castaneda-Villalobos was originally sentenced to 48 months. "Unequivocally, the Sentencing Guidelines . . . prohibit a court from reducing a term of imprisonment under § 3582(c)(2) 'to a term that is less than the minimum of the amended guideline range.'" *United States v. Davis*, 669 F. App'x 785, 787 (7th Cir. 2016) (quoting U.S.S.G. § 1B1.10(b)(2)(A)). The only exception to this rule—providing substantial assistance to

authorities—is not applicable here. Therefore, Castaneda-Villalobos is not eligible for a sentence reduction.

IV. Conclusion

Castaneda-Villalobos's Motion for Sentence Reduction (Filing No. 447) is **DENIED**. Her 48-month sentence remains as imposed.
IT IS SO ORDERED this 24th day of May 2024.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.

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